

## **REMARKS**

In response to the above-identified Office Action (“Action”), Applicants respectfully submit the following remarks and seek reconsideration of the Examiner’s rejections. In the Action, claims 1-11 are rejected. Claims 1-11 are pending in the present application. In this response, no claims are amended, no claims are cancelled and no claims are added.

### **I. Claim Rejections - 35 U.S.C. §102/103**

In the outstanding Action, claims 1-11 are rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 5,732,076 issued to Ketseoglou et al. (“Ketseoglou”). Applicants respectfully traverse the rejection as follows.

It is axiomatic to a finding of anticipation that each and every element of the rejected claim be taught by the prior art reference cited against the claim. To establish a *prima facie* case of obviousness, the Examiner must show the cited references, combined, teach or suggest the claimed combination of elements or identify an apparent reason to combine prior art elements in the manner claimed.

In regard to independent claims 1, 6 and 11, Applicants respectfully submit Ketseoglou fails to teach or suggest or provide any apparent reason for an apparatus or method including dynamically allocating resources in an interactive satellite media system including dividing an accumulated request amount of resource by frame pairs included in one super frame and remembering or storing a sum of a result of dividing and rounding up a remain of the division to a nearest integer as a resource request amount as recited in claims 1, 6 and 11. It is expressly provided on page 11 of the instant application that a frame pair is a subset of a superframe and is intended to refer to a set of frames having identical time periods wherein each of the frame pairs has the same arranging type of time slots and a frequency bandwidth such that the only difference between the frame pairs is the time period.

Ketseoglou discloses an integrated communication system for supporting TDMA and GSM communication systems. The system includes composite time frames 925 wherein a

portion of the composite time frame is divided into time slots for TDD protocols and GSM protocols. See Ketseoglou, col. 21, lines 40-67 to col. 22, lines 1-5; Figures 15, 16. The Examiner alleges the composite time frames 925 illustrated in Figures 15 and 16 of Ketseoglou teach the claimed superframe having frame pairs. Ketseoglou, however, discloses that the time slots corresponding to the different TDD and GSM protocols have different time periods (col. 22, lines 5-14) and the Examiner admits they have different frequencies. Applicants respectfully submit the integrating of time slots having different time periods and frequencies as shown in Figures 15 and 16 of Ketseoglou may not be characterized as frame pairs of a superframe as these terms are used in claims 1, 6 and 11.

The Examiner has further not shown that dynamically allocating resources in an interactive satellite media system as claimed is well known in the art as alleged on page 3 of the Action. In particular, it is not appropriate for the examiner to take official notice of facts without documentary support where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well known. See In re Ahlert, 165 USPQ 418, 420-421 (CCPA 1970). Applicants respectfully submit dynamically allocating resources in an interactive satellite media system as claimed is not capable of instant and unquestionable demonstration. Accordingly, Applicants respectfully request that if the Examiner chooses to maintain the rejection on this basis, the Examiner provide documentary evidence of the purported “well known” facts.

In addition, for at least the reason that the Examiner fails to identify where within Ketseoglou the claimed superframe having frame pairs is disclosed, the Examiner has further not identified a portion of the reference disclosing dividing by the number of frame pairs in a super frame as further found in claims 1, 6 and 11. Still further, Applicants are unable to discern, and do not believe the Examiner has pointed to, a portion of the reference expressly describing storing a sum of a result of dividing and rounding up a remain of the division as a request amount of each corresponding terminal. Applicants respectfully request if the Examiner chooses to maintain the rejection of claims 1, 6 and 11 on this basis that the Examiner particularly identify a portion of Ketseoglou teaching or suggesting or providing any apparent reason for at least the above-noted elements of claims 1, 6 and 11.

Since the Examiner fails to identify a portion of the reference disclosing at least these elements of claims 1, 6 and 11, the Examiner has not established that Ketseoglou anticipates or renders obvious claims 1, 6 and 11. Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 6 and 11 under 35 U.S.C. §§102/103 over Ketseoglou.

In regard to the dependent claims 2-5 and 7-10, these claims depend from claims 1 and 6 respectively and incorporate the limitations thereof. Thus, for at least the reasons that claims 1 and 6 are not anticipated by or obvious over Ketseoglou, claims 2-5 and 7-10 are further patentable over the reference. Applicants respectfully request reconsideration and withdrawal of the rejection of claims 2-5 and 7-10 under 35 U.S.C. §§102/103 over Ketseoglou.

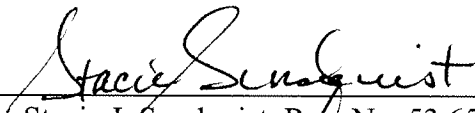
### CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely 1-11, are in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

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### CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office on July 11, 2007.

  
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